IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 4255 of 2007(F)

PETITIONER:

M.J. JAYA SINGH, S/O. JAYACHANDRAN,
AGED 46 YEARS, TAHSILDAR, MALLAPPILLY TALUK,
PATHANAMTHITTA DISTRICT, RESIDING AT `USHUS',
ELAVANTHITTA, KOZHENCHERRY (P.O),
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR, PATHANAMTHITTA.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.4255 OF 2007-F.

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Dated this the 8th day of February, 2007.

J U D G M E N T

The petitioner, while working as Tahsildar, has been placed under suspension as per Ext.P8 order dated 1-2-2007 passed by the 2nd respondent. It appears that a vigilance case has been registered against two persons including the petitioner alleging offences punishable under the provisions of the Prevention of Corruption Act and the Indian Penal Code.

2. The petitioner's submissions, briefly stated, are also follows:

There is absolutely no justification to implicate the petitioner in the alleged transaction and the complaint made by the defacto complainant is not only without bonafides but also highly belated. Ext.P7 complaint does not mention that the petitioner was the person who accompanied one G.Sathyaseelan who is alleged to have made a demand for illegal gratification. In January, 2001, the petitioner was not the Village Officer, Pathanamthitta. The order of suspension has been issued without

ascertaining the true and correct facts but based on surmises. Order of suspension visits the Government employee with severe consequences and therefore the same cannot be issued lightly or mechanically. The of the complainant and other attending circumstances are factors germane for consideration.

3. The petitioner has filed a detailed appeal memorandum before the 1st respondent seeking due consideration and appropriate intervention in the matter.

4. Ext.P9 is the appeal filed by the petitioner before the 1st respondent. Though the provision referred to therein is Rule 10(6) of KCS (CCA) Rules, the same shall be treated as an appeal preferred under Rule 22 of KCS (CCA) Rules, which empowers the Government to entertain such an appeal and take appropriate decision.

5. Heard Government Pleader for the respondents.

6. The writ petition is disposed of directing the 1st respondent to, (i) consider Ext.P9 appeal as one filed under Rule 20 of KCS (CCA) Rules, (ii) advert to relevant facts, circumstances and contentions and take early decision in accordance with law, at any rate, within three weeks from the date of receipt of a copy of this judgment. Since the petitioner is under suspension, and according to

him, he is innocent and is entitled to be reinstated without any delay, urgent consideration of his appeal is necessary in the interest of justice.

K.K.DENESAN, JUDGE.

kvs/-